

Timothy W. Snider, OSB No. 034577
timothy.snider@stoel.com
Christopher C. Rifer, OSB No. 125307
christopher.rifer@stoel.com
STOEL RIVES LLP
760 SW Ninth Ave, Suite 3000
Portland, OR 97205
Telephone: 503.224.3380

Jeffrey S. Cashdan (*pro hac vice*)
Zachary A. McEntyre (*pro hac vice*)
J. Matthew Brigman (*pro hac vice*)
Allison Hill White (*pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309

Julia C. Barrett (*pro hac vice*)
KING & SPALDING LLP
500 W. 2nd Street
Austin, TX 78701

Counsel for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DAVID TAXER and SAUL CORTES,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

PROGRESSIVE UNIVERSAL INSURANCE
COMPANY and ARTISAN AND
TRUCKERS CASUALTY COMPANY,

Defendants.

Case No. 3:22-cv-01255-HZ

**JOINT MOTION FOR ENTRY OF A
STIPULATED PROTECTIVE
ORDER AND STIPULATED ORDER
GOVERNING DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION**

Plaintiffs David Taxer and Saul Cortes, together with Defendants Progressive Universal Insurance Company and Artisan and Truckers Casualty Company (collectively “the Parties”) collectively submit this Joint Motion for Entry of a Stipulated Protective Order and Stipulated Order Governing Discovery of Electronically Stored Information (“the Joint Motion”), and in support thereof state as follows:

1. The Parties hereby notify the Court that their requested protective order deviates slightly from the form protective order template provided by this Court.
2. A copy of the Parties’ proposed Stipulated Protective Order is attached to this Joint Motion as **Exhibit A**. The terms of Part I of the Stipulated Protective Order are substantially similar to the terms of the district’s template. The terms of Part II of the Stipulated Protective Order employ additional protections for the highly sensitive data belonging to third parties J.D. Power and Mitchell International, Inc., which the parties anticipate will be produced in discovery.
3. The terms of the Stipulated Protective Order do not purport to bind the Court to place documents under seal. The Parties understand that, pursuant to Ninth Circuit law, the Parties are required to file a separate motion stating cause when seeking the sealing of documents, and that it will not be sufficient to state as cause that the Parties agree a document should be sealed.
4. This putative class action is one of over 35 nearly identical statewide class action complaints filed in various courts throughout the United States. Counsel for plaintiffs in each of the cases overlap significantly, and defendants are all represented by King & Spalding LLP.
5. The Parties believe it is most efficient to operate under their proposed Stipulated Protective Order to ensure consistency with the protective orders entered in these other cases.

6. In the first-filed case, *Volino, et al. v. Progressive Cas. Ins. Co., et al.*, No. 21 Civ. 6243 (LGS) (SDA) (S.D.N.Y.), the parties negotiated terms of a protective order and ESI protocol.

7. In subsequent cases, however, plaintiffs sought production of highly sensitive, proprietary data from third-parties J.D. Power and Mitchell International, Inc. The parties and third parties agreed to additional protections for third-party data and amended the terms of the negotiated protective orders accordingly.

8. Plaintiffs intend to seek similar data from third parties in this case and as such, the Parties respectfully ask the Court to allow the negotiated terms related to Part II of the Stipulated Protective Order to deviate from the district's template.

9. The parties have also agreed to an electronic discovery protocol that is identical to the original terms entered in *Volino*. The proposed Stipulated Order Governing Discovery of Electronically Stored Information is attached to this Joint Motion as **Exhibit B**.

10. Plaintiffs have served similar discovery requests in each of the cases, and while the productions in each case vary, the responsive documents significantly overlap.

11. The Parties believe it is most efficient and offers the greatest protection for the information of both parties and non-parties to operate under the same protective order and other terms that govern the other, similar cases.

For these reasons, the Parties respectfully request the Court enter the Stipulated Protective Order and Stipulated Order Governing Discovery of Electronically Stored Information

DATED: October 12, 2023.

SHAMIS & GENTILE, P.A.

/s/ Andrew J. Shamis
 Andrew J. Shamis*
 14 NE 1st Avenue, Suite 705
 Miami, FL 33132
 Phone: (305) 479-2299
 Fax: (786) 623-0915
 ashamis@shamisgentile.com

AND

Scott Edelsberg*
 Christopher Gold*
EDELSBERG LAW, P.A.
 20900 NE 30th Ave., Suite 417
 Aventura, FL 33180
 Phone: (305) 975-3320
 scott@edelsberglaw.com
 chris@edelsberglaw.com

AND

Whitney Stark, OSB No. 090350
ALBIES & STARK
 1 SW Columbia Street, Suite 1850
 Portland, OR 97204
 Phone: (503) 308-4770
 Fax: (503) 427-9292
 whitney@albiesstark.com

Counsel for Plaintiff

STOEL RIVES LLP

/s/ Timothy W. Snider
 Timothy W. Snider, OSB No. 034577
 Christopher C. Rifer, OSB No. 125307
 760 SW Ninth Ave., Suite 3000
 Portland, OR 97205
 Phone: (503) 224-3380
 timothy.snider@stoel.com
 christopher.rifer@stoel.com

AND

Jeffrey S. Cashdan*
 Zachary A. McEntyre*
 J. Matthew Brigman*
 Allison Hill White*
KING & SPALDING LLP
 1180 Peachtree Street, NE
 Atlanta, GA 30309
 Phone: (404) 572-4600
 Fax: (404) 572-5139
 jcashdan@kslaw.com
 zmcentyre@kslaw.com
 mbrigman@kslaw.com
 awhite@kslaw.com

AND

Julia C. Barrett*
KING & SPALDING LLP
 500 W 2nd Street
 Austin, TX 78701
 Phone: (512) 457-2000
 jbarrett@kslaw.com

Counsel for Defendants

*Admitted *pro hac vice*